

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TONY HOBSON,
Petitioner,
v.

JERRY HOWELL, *et al.*,
Respondents.

Case No. 2:20-cv-00503-KJD-NJK

ORDER

This action is a petition for writ of habeas corpus by Tony Hobson, a Nevada prisoner. The Court appointed counsel for Hobson (ECF No. 6), and, with counsel, Hobson filed an amended habeas petition (ECF No. 12) on October 1, 2020. On that date, Hobson also filed a motion for leave to file a second amended petition (ECF No.14).

Hobson explains, in his motion for leave to amend, that he filed the first amended petition as a protective petition, in case there is an argument that the applicable limitations period for his petition expired on October 2, but he needs time to further investigate his claims and file a second amended petition fully setting forth his claims.

Federal Rule of Civil Procedure 15(a)(2) instructs that a court “should freely give leave [to amend] when justice so requires. Fed.R.Civ.P 15(a)(2). Here, Respondents have not yet responded to either Hobson’s original or first amended petition, and there is no reason to believe they would be unfairly prejudiced by a further amendment of the petition. Hobson demonstrates good cause for his request for leave to further amend. The Court will grant the motion.

The Court will waive Local Rule LR 15-1(a), which generally requires a party requesting leave to amend a pleading to attach a copy of the proposed amended

1 pleading to the motion. Under the circumstances, compliance with that rule would be
2 impracticable.

3 Respondents will not be required to respond to Hobson's first amended habeas
4 petition (ECF No. 12), as that pleading will be superseded.

5 In granting Hobson's motion for leave to amend his petition, the Court does not
6 intend to extend any applicable limitations period, or otherwise affect in any manner the
7 operation of any applicable statute of limitations.

8 **IT IS THEREFORE ORDERED** that Petitioner's Motion for Leave to File Second
9 Amended Petition (ECF No. 14) is **GRANTED**. Petitioner will have until and including
10 **December 4, 2020**, to file a second amended petition for writ of habeas corpus.
11 Respondents will not be required to respond to Petitioner's first amended habeas
12 petition (ECF No. 12). In all other respects, the schedule for further proceedings set
13 forth in the order entered July 15, 2020 (ECF No. 11) will remain in effect (Respondents
14 will have 60 days to respond to the second amended petition).

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16 DATED THIS 6 day of October, 2020.

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19 KENT J. DAWSON,
20 UNITED STATES DISTRICT JUDGE
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